

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

FAITH KOHLER,

Plaintiff,

v.

Case No. 2:15-cv-439-LA

MEGAN J. BRENNAN,
POSTMASTER GENERAL,

Defendant.

DEFENDANT'S UNOPPOSED MOTION TO SEAL

Defendant Megan J. Brennan, Postmaster General, United States Postal Service ("Defendant"), by her attorneys, Loretta E. Lynch, Attorney General of the United States, John W. Vaudreuil, United States Attorney for the Western District of Wisconsin, and Special Assistant United States Attorneys David D. Conway and Leslie K. Herje for that district, hereby submits this unopposed motion for an order sealing unredacted copies of Exhibits 1007, 1008, 1010, 1011, 1014, 1015, 1016, and 1017 ("Confidential Materials"), filed herewith and in support of Defendant's motion for summary judgment. Defendant makes this request for the following reasons:

The Eastern District of Wisconsin's local rules permit the filing of sealed materials only if "supported by sufficient facts demonstrating good cause for withholding the document or material from the public record." E.D. Wis. Gen. L. R. 79(d); *see also Haas v. City of Milwaukee*, No. 05-cv-785, 2009 WL 3444893, at *1 (E.D. Wis.

Oct. 23, 2009) (citing *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999)).

Here, the Confidential Materials consist of application and interview materials related to a Postal Inspector Team Leader vacancy posted by the United States Postal Inspection Service's Chicago Division in February and March 2013. These documents contain sensitive personal information about the applicants such as social security numbers, home addresses, and employment references. They also contain sensitive criminal investigatory information disclosed by the applicants during the application process, including information about USPIS methods for preparing technical reports, conducting investigations, developing cases, and registering confidential informants. Defendant believes sealing the Confidential Materials is necessary and appropriate because if publicly disclosed they could reveal sensitive personal information about the applicants, as well as non-public information about USPIS's investigatory methods and past cases.

Fortunately, the Confidential Materials can easily be redacted because only small, sporadic portions pertain to sensitive matters. Moreover, the sensitive portions do not affect the legibility or relevance of the documents, and are unlikely to impact the Court's consideration of the merits in this case. As a result, Defendant has publicly filed lightly redacted versions of the Confidential Materials along with its summary judgment motion. For the Court's reference and consideration, however, it submits the un-redacted versions for filing under seal with this motion.

Pursuant to the Court's local rules, the parties have conferred regarding this

motion and agree that the Confidential Materials should be sealed and that the public versions appropriately redact only sensitive information. *See* E.D. Wis. Gen. L. R. 79(d).

For the foregoing reasons, Defendant submits that good cause exists for sealing the Confidential Materials and respectfully requests that the Court order that the aforementioned documents be sealed.

Dated this 5th day of May, 2016.

Respectfully submitted,

LORETTA E. LYNCH
Attorney General

JOHN W. VAUDREUIL
United States Attorney
Western District of Wisconsin

By:

s/David D. Conway
DAVID D. CONWAY (Wis. Bar No. 1073935)
LESLIE K. HERJE (Wis. Bar No. 1022145)
Attorneys for Defendant
Special Assistant United States Attorneys
222 W. Washington Avenue, Suite 700
Madison, Wisconsin 53703
Telephone: (608) 264-5158
Fax: (608) 264-5724
Email: david.conway@usdoj.gov
Email: leslie.herje@usdoj.gov

Of Counsel:
STEVEN E. SULTAN
United States Postal Inspection Service
475 L'Enfant Plaza, S.W., Room 3114
Washington, D.C. 20260-3100
Telephone: (202) 268-7385
Email: SESultan@uspis.gov